S.B. Civil Misc. Appeal No.792/2005

Jodhpur Vidyut Vitran Nigam Ltd.

vs.

Smt. Vimla Devi and others.

Date : 28.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Pankaj Bohra for Mr.Ravi Bhansali, for the appellant.

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Heard learned counsel for the appellant.

The appellant is aggrieved against the award dated 28.2.2005 by which Workmen's Compensation Commissioner, Jodhpur awarded total compensation of Rs.5,42,275/- which includes compensation, interest and penalty to the claimant in claim case no.15/97.

It appears that the victim died when he was working in the employment of the respondent no.4, who was the contractor engaged with the appellant. The age of the victim was 25 years only. His salary was assessed to be Rs.2,000/- per month which was calculated by the authority in accordance with law.

According to learned counsel for the petitioner, in fact, the liability was of the contractor and the learned Commisisoner did not consider this aspect of the matter.

It appears that such plea was not taken by the

appellant before the Commissioner nor the liability of contractor was proved by the appellant. No substantial question of law is involved in this appeal.

Accordingly, this appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya